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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,292

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Tatsuya Tamura

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DARBY & DARBY P.C.

P.O. BOX 770

Church Street Station

New York, NY 10008-0770

EXAMINER

KIDWELL, MICHELE M

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PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,292	<b>Applicant(s)</b> TAMURA ET AL.	
	<b>Examiner</b> Michele Kidwell	<b>Art Unit</b> 3761	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/02/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-H03-33622.

With respect to claim 1, JP-H03-33622 discloses an absorbent article comprising a liquid absorbent layer (1), the absorbent article having a skin surface and a garment surface (figure 3); a pair of compressed grooves (6'), where the liquid absorbent layer is compressed and recessed from a side of the skin surface toward the garment surface (figure 3), being provided to extend in a longitudinal direction of the article, the compressed grooves being located laterally apart from a longitudinal centerline of the article, each one of the pair of grooves being located on a single side of the longitudinal centerline, the pair of grooves each curving inwardly within a range of an equal distance forward and rearward from a lateral reference line in the longitudinal direction such that a separation distance between the compressed grooves is smallest at a point within the range, the pair of grooves being substantially parallel to each other over distances forward and rearward of the range (figure 1); and

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a rear flexible portion, where the liquid absorbent layer is recessed from the side of the garment surface toward the skin surface (7), being provided to extend toward a rear end edge of the article from a starting point that is located closer to the rear end edge than the lateral reference line, at least a portion of the rear flexible portion being located on the longitudinal centerline and between the substantially parallel compressed grooves as set forth in figures 1 – 2.

As to claim 2, JP-H03-33622 discloses an absorbent wherein a front flexible portion, where the liquid absorbent layer is also recessed from the side of the garment surface toward the skin surface, the front flexible portion extending e-x4eng toward a front end edge of the article from a starting point that is located closer to the front end edge than the lateral reference line, at least a portion of the front flexible portion being located between the compressed grooves, and the front and rear end edges are located an equal distance apart from the lateral reference line, and the front and rear flexible portions are also located an equal distance apart from the lateral reference line as set forth in figure 2.

Regarding claim 3, JP-H03-33622 discloses an absorbent article wherein the compressed grooves and the front and rear flexible portions are formed in a pattern symmetrical about the lateral reference line as set forth in figure 1.

With respect to claim 6, JP-H03-33622 discloses an absorbent article wherein pressure-sensitive adhesive layers (8) for adhering the article to an undergarment are disposed on the garment surface, the pressure-sensitive adhesive layers being located laterally apart from the longitudinal centerline and

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present at least on the lateral reference line and on both sides of the rear flexible portion as set forth in figure 2.

Claims 1 and 4 – 5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-10-328233.

With respect to claim 1, JP-10-328233 discloses an absorbent article comprising a liquid absorbent layer (A), the absorbent article having a skin surface and a garment surface (figure 2); a pair of compressed grooves (14), where the liquid absorbent layer is compressed and recessed from a side of the skin surface toward the garment surface (figure 2), being provided to extend in a longitudinal direction of the article, the compressed grooves being located laterally apart from a longitudinal centerline of the article, each one of the pair of grooves being located on a single side of the longitudinal centerline, the pair of grooves each curving inwardly within a range of an equal distance forward and rearward from a lateral reference line in the longitudinal direction such that a separation distance between the compressed grooves is smallest at a point within the range, the pair of grooves being substantially parallel to each other over distances forward and rearward of the range (figure 2); and a rear flexible portion, where the liquid absorbent layer is recessed from the side of the garment surface toward the skin surface (18), being provided to extend toward a rear end edge of the article from a starting point that is located closer to the rear end edge than the lateral reference line, at least a portion of the rear

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flexible portion being located on the longitudinal centerline and between the substantially parallel compressed grooves as set forth in figure 1.

With reference to claim 4, JP-10-328233 discloses an absorbent article wherein within the range of an equal distance forward and rearward from the lateral reference line in the longitudinal direction, additional compressed grooves (19) are provided side by side with the compressed grooves as set forth in figure 1.

As to claim 5, JP-10-328233 discloses an absorbent article wherein a mean thickness of the absorbent article at both sides of the rear flexible portion is smaller (i.e. outer periphery region shown near 12b in figure 2) than that at a region extending an equal distance forward and rearward from lateral reference line in the longitudinal direction but not overlapping with the rear flexible portion as set forth in figures 1 – 2.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 – 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michele Kidwell/  
Primary Examiner, Art Unit 3761